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From: General Secretariat of the Council  
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Subject: GUIDELINES ON CONSULAR PROTECTION OF EU CITIZENS IN THIRD COUNTRIES

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Delegations will find attached hereto the updated Consular Guidelines on the protection of EU citizens in third countries (see Annexes IV and V), as agreed by the working party on Consular Affairs and endorsed by the Political and Security Committee on 5 November 2010.

Following approval by Coreper, the Council is invited to adopt them as an "A" point at its meeting of 17 November 2010.

These guidelines, as such, are non-binding legally and in no way hinder the Council decisions of 19 December 1995 on the protection for citizens of the European Union by diplomatic and consular representatives or the implementing measures thereof (doc. 11107/96), and of 25 June 1996 on the establishment of a European Emergency Travel Document. They are also in line with the "Guidelines on cooperation between Member States' missions and Commission delegations in third countries and within international organisations in CFSP matters" approved by the Interim Political and Security Committee on 6 October 2000, particularly points 6 and 7 thereof (cf. 12094/00).

They also factor in, as appropriate, the best practices identified by the group in March 2006.

# **GUIDELINES ON CONSULAR PROTECTION OF EU CITIZENS IN THIRD COUNTRIES**

1. Notwithstanding primary national responsibility in consular matters, these guidelines are designed to provide a framework for consular cooperation, especially in situations in which the safety of EU citizens is endangered in a third country. They have been drawn up as part of the implementation of the mutual protection obligation provided for in Article 23 of the Treaty on the Functioning of the European Union and of the cooperation tasks, as stipulated under Article 35 of the Treaty on EU; and build on the two Decisions adopted in 1995 (cf. OJ L 314 of 28.12.1995 and document 11107/95) with a view to strengthening European solidarity.
2. Implementation is left to the discretion of the heads of missions or posts in the light of local circumstances. For the purposes of these guidelines, citizens of states acceding to the EU should be considered on a same footing as citizens of existing EU Member States.
3. Some Member States may have bilateral agreements with third countries whereby citizens from the latter will be under their responsibility. Such third country citizens are referred to in these guidelines as "entitled persons". References to the missions of Member States should be taken to include missions of Acceding States under the conditions of the relevant Acts of Accession.
4. EU delegations should be included in contingency planning. It is understood that - at the request of one or more Member States and as appropriate - EU delegations could provide logistic support to Member States' missions, especially during crises.
5. These guidelines in no way preclude further initiatives being proposed by Heads of Mission in the light of specific situations that may arise in third countries, especially where the ability of local authorities to respond effectively to a significant incident may be limited. However, given the diverse range of possible threats, no region in the world should be excluded from consideration.
6. **Consular Contingency Planning**

Experience in crisis management and prevention shows that it is desirable to produce contingency plans in advance of a crisis. For these plans to be effective, they require the participation of all diplomatic and consular representations of Member States present in a third country. Such plans may follow the open-ended list in Annex I, as well as the Fiche in Annex II.

## **7. Responsibilities**

- 7.1. In countries at risk of a crisis where not all Member States are represented, Heads of Mission should decide amongst themselves how they will share responsibilities for ensuring that nationals of all Member States are covered by contingency plans.
- 7.2. Their decision should be based on pragmatism, flexibility and a fair division of the consular burden. This may extend to deciding that nationals of particular unrepresented Member States who seek assistance should be directed to particular EU Member States' representations as agreed by Heads of Mission locally. This may also include a recommendation to capitals that a request be made to unrepresented Member States to assist with the expenses incurred in contingency planning (emergency kits, including first-aid, food, medicines, etc.) on behalf of their nationals.
- 7.3. The co-ordination effort and the associated responsibilities should also include defining which mission will co-ordinate with local authorities, with third countries and with international organisations. A thematic approach may be as valid as an approach by institution (local government, prisons, hospitals, UN, NGOs).

## **8. Consular Information**

- 8.1. Consular contingency planning needs to be based on adequate information on EU citizens who may be affected, recorded in a commonly understood format. This is especially important where one Member State's mission closes and requests another to assume its consular responsibilities.
- 8.2. Missions of Member States are invited to encourage their nationals – and other EU nationals for whom they have responsibility – to register their consular details on a voluntary basis<sup>1</sup>. Such registration should include, as far as possible: name, nationality, contact details in-country including address, telephone numbers (possibly also employer's details), e-mail, contact details of next of kin, details of any dependants in-country, special requirements / disabilities, and agreement to this information being shared in times of crisis with the representations of other Member States.

A specimen information sheet can be found in Annex III.

## **9. Consultation**

- 9.1. In countries in which local circumstances so warrant, the heads of the diplomatic and consular missions will organise at least one meeting every three months to discuss the safety of EU citizens.

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<sup>1</sup> Concerning processing of personal data occurring and being collected and registered in terms of the application of this point, the relevant EU rules shall apply, in particular Council and European Parliament Directive 95/46/EC.

- 9.2. In normal circumstances, meetings should consider, as a matter of routine, questions such as prison conditions; problems over consular access, etc.
- 9.3 Unless otherwise agreed by capitals, the Chair will be a Member State decided locally, with the support of the EU delegation.
- 9.4. The Chair should keep a dossier of useful consular assistance contacts, including information such as names and contact details of EU Member States' consular staff and key local contacts such as police, prison authorities, mortuaries, airports etc.
- 9.5. These meetings will also review the effectiveness of contingency planning by Member States' missions locally, including a review of the need for maintaining/updating crisis information sheets. Missions responsible for unrepresented EU nationals will pass on the same information to these unrepresented nationals as they would to their own nationals (e.g. through travel advice websites, notices through the warden networks, etc).
- 9.6. The Chair will report on the meeting to all delegations. Such a report should highlight any possible significant issues that cannot be resolved in-country.
- 9.7. Specialist meetings of the relevant staff from the various missions may also be arranged.
- 9.8. Furthermore, regular meetings of staff dealing with consular issues held once every 4 to 6 weeks can provide a useful forum to exchange information and ideas. The meetings can be used to identify emerging themes in consular work, and to discuss best practice in handling different types of case.
- 9.9. Delegations should use the "Consular Affairs" working party to review best practices and strategies for handling assistance cases (e.g. deaths, hospitalisations). This should help ensure that citizens of non-represented Member States receive consistent service from posts in third countries.
- 9.10. Member States' posts and EU delegations in third countries should also share information on changes in local legislation which have a direct impact on consular work, particularly if this can lead to changes in the treatment of detainees, court procedures, medical treatment, etc.
- 9.11. In areas where distance and transport are a problem, visits to prisons and hospitals can be co-ordinated through advance planning, allowing Member States' missions to share the burden of visiting their nationals, or increasing the number of visits their nationals receive.
- 9.12. Member states' missions and the EU delegation could share information about legal advice locally available, and, in particular, which legal practitioners might be willing to provide pro-bono legal advice to EU nationals who would otherwise not be able to afford to pay for representation.

## **10. Travel Advice**

- 10.1. Member States are encouraged to share changes to travel advice relevant to the third country in question, once they have been issued including those from Member States which are not represented.
- 10.2. The information should to the extent possible include a description of the nature of the threat and indicate whether the threat is considered relevant to citizens of other EU Member States.

## **11. VHF/UHF communications networks between missions**

- 11.1. To ensure permanent contact between them where local circumstances so warrant, missions will examine the possibility of establishing an autonomous communications network in countries in which they do not have one, or of improving the operational efficiency of the existing network if necessary.

## **12. Emergency planning and crises**

- 12.1. Emergency plans of all EU Member States represented in a third country capital should be shared. This not only helps those who do not yet have an emergency plan to prepare theirs, but leads to a broader degree of commonality, and therefore a more efficient response.
- 12.2. Emergency plans should be reviewed on a regular basis to ensure that updates in one plan are reflected in others.
- 12.3. Heads of mission or their staff will inform one another of developments regarding the situation of their nationals, their location, threats to their safety, instructions to be communicated to them particularly in the event of assembly or evacuation, and of all the resources at their disposal. They will also inform one other of the establishment of emergency reserves and the procedures for using them.
- 12.4. Common practical exercises, or evacuation seminars, involving resident and non-resident Member States, including military personnel are a good way of sharing details on national planning, and to identify issues of common concern.
- 12.5. Co-ordination with third parties is of particular importance. Each Member State's plans should be not only consistent with those of others, but should also fit with those of the host country (where applicable) and those of other major partners, such as friendly third countries, UN, and NGO plans. Early co-ordination meetings with interested third parties can help ensure that all relevant information is taken into account, and that best use is made of available resources.

- 12.6. If one or more assembly points are chosen for all EU citizens (particularly with a view to joint evacuation), the diplomatic and consular missions will appoint a representative for the assembly centre(s).
  - 12.7. In the event of a crisis taking place which requires implementation of the security plans, the Chair should ensure co-ordination of such plans, even if it is not directly taking part in their implementation.
  - 12.8. Without prejudice of the provisions of Article 6 of the Council Decision of 19 December 1995 concerning the repayment of costs, etc., Member States will reimburse those Member States which act on their behalf for expenses incurred in securing the safety of their nationals (e.g. where provision of a radio network is necessary, hiring of vehicles to transport persons to a safe area, etc.), in a pragmatic way.
  - 12.9. Diplomatic and consular missions will work together to ensure that use of space on transportation used for an evacuation is maximised and that rotations are optimised.
  - 12.10. Where EU nationals being evacuated are asked to pay the costs of the evacuation as well as other expenses related thereto (see point 12.8 above), payment arrangements should be made from Member State to Member State, on a pro-rata basis. It will then be the responsibility of the requesting Member State to pursue repayment from its nationals.
- 12.11. Member States requesting the inclusion of their nationals and entitled persons will:
- (a) notify the evacuating state (both locally and centrally) of the details of the entitled persons they wish to have evacuated;
  - (b) if possible, ensure that the entitled persons reach the embarkation point;
  - (c) provide consular verification at the point of embarkation if they are represented locally (or send staff from the nearest local mission if requested by the evacuating state); and
  - (d) take responsibility for their entitled persons from the point of disembarkation.

### **13. Dispatch of consular and medical support teams**

- 13.1. A Member State may decide to send a consular and medical support team (consisting of staff with experience of consular work and emergency doctors, psychiatrists, etc., and, if possible, having autonomous communications and IT equipment) to facilitate the work of its mission by providing reception facilities and psychological support for its citizens.

- 13.2. In such cases, it will inform its partners, both at local and at central level, of the dispatch of the team, the objectives assigned to it and the resources available. Member States wishing to complement any such team will make the necessary arrangements with the lead team.
- 13.3. When such teams are dispatched by Member States, logistic support will be provided locally either by the Member States' missions present, and/or the EU delegation, in accordance with arrangements made locally.

## **14. Communication between Capitals**

- 14.1. Effective communication between capitals during times of crisis is essential to complement planning in-country. Member States who have responsibility for contingency planning on behalf of unrepresented Member States in a third country are encouraged to share significant decision-making through the use of COREUs, e-mails circulated to their counterparts in the consular crisis units, and the Consular On Line (CoOL) website, as appropriate. This is of particular importance where the seriousness of the threats facing citizens from different Member States varies, where a Member State may decide to evacuate its own citizens unilaterally or when sharing urgent information that is not of a confidential nature. Member States should privilege the use of e-mail messages to e-mail recipients that can be reached on a seven-days-a-week, twenty-four-hours-a-day basis. The use of teleconferencing, for a rapid exchange of information during crises, as well as of the consular Web-based forum for less urgent matters - including changes in travel advice - is also encouraged.
- 14.2. For further possibilities, see also Annexes IV and V.

**ITEMS TO BE CARRIED OUT ROUTINELY BY MISSIONS IN THIRD COUNTRIES**

1. Convening meetings for updates on contingency and evacuation plans in the event of a crisis. At the earliest stage possible, determining which Member State or Member States will coordinate a possible evacuation and establishing the burden sharing arrangements.
2. Circulating a scheme of contingency plans. The scheme should, i.a., include the information described in Annex II. If possible, a common list of the main contact points should be kept, as well as ensuring an ongoing liaison among them.
3. Keeping a registry of EU citizens who have voluntarily provided their addresses, telephone numbers and other useful information.
4. Establishing and/or maintaining VHF/UHF or other emergency networks among the EU missions and the EU delegation / representation present and, if necessary or advisable, with the missions of third countries. Special attention should be paid to ensuring cell-phones used by the different actors are compatible.
5. Establishing an effective exchange of information regarding countries of secondary accreditation for the preparation of data to be provided to the Chair.
6. Gathering non-represented EU citizens at the assembly points established by the contingency plans.
7. Estimating – and providing – the necessary personnel to cover the administrative procedures that concern their citizens and those they are representing.
8. As appropriate, consulting and involving honorary consuls.

**SPECIMEN INFORMATION SHEET**

(It may be accompanied by maps, photographs, etc.)

**Nationals:**

- Number of nationals: registered/passing through (estimate)
- Location by city, town or area
- Isolated communities (religious, companies, NGOs)
- Cooperation agreements with other States, the safety and protection of whose citizens must be ensured. It would be useful to specify the number of persons in question, their location and their means of communication.

**Division of large cities into zones:**

- number of families per zone
- location of zones
- persons responsible for zones: name and contact details

**Assembly centres:**

- Exact location and resources available to receive nationals at centres (personnel, essential supplies, means of communication, etc.)
- Person responsible for assembly point (name and contact details)
- Emergency reserves in position:
- Rations, long-life foodstuffs, essential supplies
- Medicines, water tanks or pumps, tanks of fuel, bedding, blankets.
- Medical facilities, if required

### **Security radio networks:**

(a) In town

- Type of facility and description of equipment
- Number of portables
- "National community" channel, frequencies and call signs
- "Communication between Member States' missions' and the EU delegation's channel, frequencies and call signs

(b) Long distance

- HF/BLU equipment
- Call signs and frequencies
- FM material
- Frequency
- Satellite suitcases
- Telephone numbers and identifiers

### **Other means of communication:**

- Emergency number(s) of embassy and consulate
- Mobile telephone number(s)
- Fax number(s)

## **ANNEX III**

### **PERSONAL DATA SHEET**

The information on this sheet is provided on a strictly voluntary basis. It is intended for use in crisis situations only. The person providing data agrees that they can be shared with the authorities of other (Member) States to ensure a better co-ordination of planning and/or evacuation.

Full name:

Address (local):

Telephone (local):

Address (home):

Telephone (home):

E-mail:

Person(s) to be contacted in case of need:

Name:

Address:

Telephone:

E-mail:

In case of evacuation, this person has been instructed to go to assembly point: XXX

**EU INTERNAL INFORMATION STRATEGY ON CONSULAR AFFAIRS**  
**- efficient dissemination of information to Member States' missions abroad**

*This paper outlines the strategy for concerted action in the consular field in order to keep our missions trained and well informed of EU-related obligations and the work carried out at European level that needs to be considered in the daily endeavours. The paper contains elements such as new routines for the Consular On Line website, a training kit for use in preparatory training for staff to be posted abroad in third countries, a continuation of the EU-consular training programme and regular information sessions for missions abroad.*

### **EU-related consular obligations**

Article 23 TFEU (formerly Article 8c (Maastricht) or article 20 (Amsterdam, Nice)) was introduced alongside the concept of citizenship of the Union, which complements rather than replaces national citizenship (Article 20 TFEU). EU citizenship entails 'belonging' to some form of supranational structure, which in turn means increased solidarity.

To be able to fulfil EU-related consular obligations, consular staff must be given sufficient information and training in order to be able to assist other EU-citizens abroad if the latter have nowhere else to go. The main responsibility for keeping mission staff trained and updated on EU-related consular issues and documents rests with the individual Member State. Each Member State should establish routines for this. Also at EU-level common means and methods are lacking. Therefore, efficient routines are needed for how to communicate new guidelines and other documents agreed on at European level to missions abroad. New agreements must reach those who actually are the implementers of the agreed policies. (see below for key EU-documents in this area)

### **COCON has agreed on the following lines of action at EU-level:**

#### **1. Use of CoOL website**

EU Sitcen should provide consular offices in third countries access to the CoOL website. The website could be used both as an instrument for *informing* missions about new agreements and key documents relevant to their consular work; as well as serve as an *archive* for consular EU-documents, lessons learned from exercises and/or information shared by Member States. All Member States have a role to play in making CoOL an efficient working instrument. Being participative is of the essence.

#### **Line of action:**

- Provide foreign missions with access to CoOL (reading privileges only). Requests for log-in details are collected at capital level, and forwarded to EU Sitcen.

## **2. Training**

The training capacity should be further developed at all levels.

### **Lines of action:**

- The Commission and EU Sitcen should develop a “Training kit” on EU-related obligations to be used in Member State capitals in their preparatory training of staff to be posted abroad. After approval by the Member States, the “kit” should be made accessible on the CoOL website.
- EU Sitcen is invited to investigate if on-line training via CoOL also could be an option.
- The EU-consular training programme continues, following the guidelines laid out in Paris.
- The Chair should organise regular information sessions for representatives from local embassies (in disaster prone third countries) with a view to raising awareness of consular cooperation at European level. The EU-delegations may provide logistical support for such meetings. In addition to this, explanatory sessions via video conferences could be organised.

### **The key EU-documents are:**

- Protection for citizens of the European Union by diplomatic and consular representations (Decision 95/553/EG).
- The establishment of an emergency travel document (Decision 96/409/CSFP of the Representatives of the Governments of the Member States, meeting within the Council of 25 June 1996).
- Lead State concept (doc. 10715/07 PESC 758, COCON 19) approved by PSC on 12 June 2007.
- Guidelines for further implementing a number of provisions under Decision 95/553/EC (doc. 11113/08 PESC 833, COCON 10).
- Guidelines of the European Union on the implementation of the consular Lead State concept (2008/C317/06).
- These guidelines

## **CONSULAR CONTINGENCY PLANNING AND CRISIS MANAGEMENT**

### **- tools and practices for coordination between EU capitals**

*This paper outlines the coordination resources available to EU Member State capitals in times of crisis, and clarifies the responsibilities of each Member State when it comes to sharing available information - before and during a crisis.*

*The paper is divided into two parts;*

- part one, dealing with contingency planning, listing important steps in order to assure that information about national considerations and measures is efficiently spread.*
- part two, listing the instruments available, primarily to the Presidency, for the purpose of crisis coordination, and other resources that may be available at EU level.*

### **1. Pre-crisis-phase: travel advice and contingency planning**

#### **Travel advice**

In order to obtain the highest possible level of coordination in the issuing of travel advice, a Member State or EU Sitem may, in a potentially critical or uncertain situation, initiate an exchange of information in the CoOL discussion forum or via e-mail, on national considerations, including possible plans to revise travel advice.

Member States should aim to immediately update their entry on the CoOL travel risk assessment page, when changes are made in travel advice.

#### **Representation in third countries**

Member States should aim to immediately update their entry on the CoOL travel risk assessment page, when changes are made in representation.

#### **Regular hot spot discussions**

The Presidency or any Member State may initiate discussions in COCON on potential high risk countries, in order to evaluate options and possible courses of action in case of an actual crisis/serious incident. In between meetings, such a discussion may also be initiated in the CoOL web forum.

## **2. Crisis phase: coordination between capitals and resources**

### **2.1. Coordination between capitals**

Effective communication between capitals during times of crisis is essential to complement planning in-country. Exchange of information is desirable in the following areas:

- the number of EU-citizens in the affected area
- considerations and possible changes in travel advice
- national measures – planned or taken – in order to assist their own citizens, including evacuation.

Depending on situation and availability of information, other types of data may be requested, such as the location of EU-citizens in the affected area (if known) as well as the location of nationally designated assembly and evacuation points.

#### **Telephone conferences**

Telephone conferences may be used among Member States, EU Sitcen, the EU delegation and a possible Lead State/ Chair, for the rapid exchange of information, in the event of a serious incident or (potential) crisis that (may) affect a larger number of EU-citizens. Such conferences may primarily be initiated by the Presidency, but may also be requested by a Member State or by EU Sitcen.

To set up a telephone conference, contact the Sitcen duty officer (24 hour service):  
tel: +32 2 281 5000/5851.

#### **Consular On Line (CoOL) web forum**

CoOL has useful features for the information exchange and/or data collection that may serve as a complement or - in some instances - a satisfactory alternative to a telephone conference, when matters are less urgent.

The CoOL web forum: <https://cool.consilium.europa.eu>

Log-in details may be obtained from EU Sitcen:  
e-mail: [consular@consilium.europa.eu](mailto:consular@consilium.europa.eu)

## **E-mail**

As an alternative to the CoOL web forum, e-mail may be used for the sharing of information of a non-confidential nature, the rapid collection of information and/or to urge Member States to register information on the CoOL web forum.

The updated e-mail distribution list may be obtained from EU Sitcen:  
e-mail: [consular@consilium.europa.eu](mailto:consular@consilium.europa.eu)

## **Short message service (sms)**

In an emergency situation, outside office hours, one possible way to reach contact points for the EU consular crisis units may be via sms.

EU Sitcen keeps an updated distribution list, and can carry out a dispatch at short notice.

Contact the Sitcen duty officer (24 hour service) Tel: +32 2 281 5000/5851.

## **Coreu**

The Coreu network may be used to share classified information.

## **Contact details**

The list of contact points for the EU Consular Crisis Units is available on the EU Sitcen's CoOL web forum, and is updated on a continuous basis.

## **2.2 Additional resources at EU level**

In case of a consular crisis, EU Sitcen may place personnel (1 - 2 persons) at the disposal of the Chair, for instance to assist in local management during the crisis.

The EU delegations can provide local logistical support.